

A
D E F E N C E
O F T H E
M A J O R I T Y
I N T H E
H O U S E o f C O M M O N S ,

On the Q U E S T I O N relating to
G E N E R A L W A R R A N T S .

I n A N S W E R t o
T h e D E F E N C E o f t h e M I N O R I T Y .



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M D C C L X I V .

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A.
DEFENCE
OF THE
MAJORITY

THE
HOUSE OF COMMONS



On the Question relating to
46
GENERAL WARRANTS.
9/58

In Answer to
The Defence of the Minority.

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D E F E N C E
OF THE
MAJORITY.

THE Defence of the Minority is writ with a Spirit and Eloquence of Style which sufficiently distinguishes it from the vulgar and ordinary Productions of Party Writers. It is superior to the low Scurrility and personal Acrimony which of late have
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supplied the want of Argument, Fact and Conviction; but which do not therefore become by any Means less acceptable to a Class of Admirers, who are apt to mistake the Virulence of Abuse for Wit, and the Malignity of Envy for a disinterested and generous Independance. It contains however an Appeal to the Feelings and Understandings of Mankind; and submits the Conduct of Two Hundred and Twenty Gentlemen to the Decision of the Public. In this Light, I have a Right in common with every other Man to enter freely into the Discussion of it, and to express my Censure or Approbation of it, together with the Reasons that influence my Opinion. This I am the more readily inclined to do,

as it is too bold in its Assertions, and too plausible in its Argument, not to deceive many who, though not naturally inclined to think ill of Ministers only because they are Ministers, have not the Means of obtaining that Information which is necessary to confute artful and fallacious Representations, contrived to seduce their Affections, and to mislead their Judgments. It is to such only that I address myself; for as to those who are under the Influence and Prejudice of Party, I by no means expect to gain their Attention, much less do I attempt their Conviction: Time and the Experience of themselves and others will do that by Degrees which no Arguments can effect; the well-intention-

ed will sooner or later return to their natural Biass, and the others will become, at length, the Dupes and Victims to their Avarice or Ambition.

I shall make no Difficulty to begin by declaring that I am neither the Author of the Letter alluded to, nor do I know who the Author is: I have never read the Thing itself, nor from the Idea I have now conceived of it, do I desire to read it. As I am not interested therefore in justifying that Paper, I shall content myself with making only some general Observations upon the Work before me, which I shall endeavour to do with Fairness, Truth and Sincerity; and by endeavouring to state Facts and Transactions as they really

really are, shall undertake the only effectual Defence of the Majority.

The Defender then sets out with arraigning the Candour, and attacking the Credit of the Writer in the *Gazetteer*, for having mis-stated and misrepresented the Motion made in the House of Commons, viz.

“ Whether a General Warrant from a Secretary of State be warrantable by Law or not.” In order to prove this a Misrepresentation, he tells you he has been at the Pains of transcribing the Motion out of the Votes, and gives it you as follows: “ That a General Warrant for apprehending and seizing the Authors, Printers, and Publishers of a seditious Libel, together with their Papers, is not warranted by Law.” This he represents

presents as formed upon the *single Case before them*; upon this he every where states his whole Argument. What shall we say now of this Author's Candour, if we find upon Examination that he has himself mis-stated the Motion; that the Motion, as he has given it, was by the House adjudged to be so little formed upon the single Case before them, at least so little equal to the Case before them, that they found it necessary, in the Course of the Debate, to alter and amend it for that very Reason, by common Agreement of all Parties? The Author has transcribed the Motion as it was made upon the 14th of *February*; he will give me Leave to transcribe it as it stood amended on the 17th, to which the Debate had

had been adjourned ; which I have my Reasons for inserting, as he had doubtless his Reasons for omitting it: “ That a General Warrant for apprehending and seizing the Authors, Printers, and Publishers of a seditious and *treasonable* Libel, together with their Papers, is not warranted by Law ; *although such Warrant hath been issued according to the Usage of Office, and hath been frequently produced to, and so far as appears to this House, the Validity thereof hath never been debated in the Court of King's-Bench, but the Parties thereupon have been frequently bailed by the said Court.*”

Thus stood the Question, as amended by the Consent of those who moved it ; it was therefore such as
 being they

they had adopted ; it was the only Question under Consideration of the House, when they voted to adjourn it for four Months. The Public will judge how fairly it has been represented by the Defender of the Minority. I will only observe, that it was so altered, in order to give the Public a true Idea of the Case upon which this Question was agitated ; that the Warrant of Lord *Hollifax* was not for a seditious, but for a *seditious* and *treasonable* Libel ; and that the Circumstance of having admitted to bail Persons apprehended under such Warrants, instead of giving them their full Discharge, is of so much Importance to the Question of the Legality of the Warrants, that in the Opinion of an old, experienced

enced and able Lawyer upon that Occasion, who will ever be esteemed an Honour to the Profession, it implies no less than an Imputation of Perjury, to suppose such Practice to have prevailed in the Court of King's Bench, unless the Legality of the Warrants had been at the same Time acknowledged by that Court.

The Public being thus in Possession of the true State of the Question itself, I now proceed to examine the Reasoning of the Defender upon the Question.

Had the Motion been general, as stated by the *Gazetteer*, "Whether a *General Warrant* from a Secretary of State be warrantable by Law or not? it seems the Author is of Opi-

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nion,

mon, that it would have been such,
 as a thinking and honest Man might
 very fairly and consistently have
 voted *against*, though he had voted
for the Motion limited only to the
 Case of seditious Libels." I most
 readily agree with him, that the two
 Propositions are highly different; as
 different as an honest Zeal for the
 Liberties of the Subject (though
 perhaps, in my Judgment, as well
 as that of the Defender himself,
 a mistaken one), and a captious
 and partial Pretence, calculated to
 serve no Purposes but the Purposes
 of Party; to amuse the Public with
 the Sound of Liberty; to obtain, un-
 der that specious Plea, a larger Di-
 vision in Parliament; and by an *ex*

post facto Resolution, that could extend to reach no further than to a particular and recent Instance, to squint a Censure of Blame, Oppression and Innovation upon the uninterrupted Practice of Office, justified by Precedents produced from the Time of the Revolution, reaching back perhaps to the remotest Times, and combined with the very Essence of Government. The two Propositions are so different to my Apprehension, that the one takes away from the executive Power, an Authority which may frequently be found essential to the very Being of the State; the other is merely trifling with the Public, by professing to give them a Security to their Liberties;

berties, when, in Fact, no such Security was intended *.

It should seem as if seditious Libels were considered by the Gentlemen of the Minority as a Sort of harmless Sport, a mere Exercise of Wit and Talents, and an innocent

* It may not be amiss to observe, with regard to the *modern Practice* of this *modern Office*, that the Office is mentioned amongst the first Officers of State upwards of 200 Years ago, in the Act of Precedency 31st H. VIII. by which it is enacted, That the King's Chief Secretary should take place above all others of his Rank and Degree; and that though *the various Papers and Volumes of Record* which were brought to justify and confirm the Practice, were confined only to the Date of the Revolution, it should by no means be understood that it then took its Rise, having been frequently practised in former Reigns; but that Date was most especially chosen as the happy *Æra* of our Liberties being confirmed, and the Constitution established upon its present Foundation.

Exertion

Exertion of the Liberty of the Press. Perhaps they may stile this very Libel, upon which their Complaint is founded, *an irreverent Paper*, a *licentious Paper*; that the *unhappy Man* has gone rather into a blameable Excess; that they do not pretend to justify it.—Parliament has given it another Stile: It stands branded by their Resolution “as a false, scandalous and seditious Libel, containing Expressions of the most unexampled Insolence and Contumely towards his Majesty, the grossest Aspersions upon both Houses of Parliament, and the most audacious Defiance of the whole Legislature: most manifestly tending to alienate the Affections of the People from his Majesty, to withdraw them

them from their Obedience to the
 Laws of the Realm, and to excite
 them to traiterous Insurrections a-
 gainst his Majesty's Government."
 Do such Attempts as these so little
 interest the Dignity of Government
 and the public Peace, as to require
 to be excepted by an exprefs Vote of
 Parliament, and to be considered as
no higher an Offence against the State
than the publishing a Libel? Such
 are the Defender's Words; such the
 manner in which *these true and tem-*
perate Friends to Liberty disclaim
 the Sentiments of that abominable
 Paper, which, if it had been ad-
 judged to have excited, instead of
 tending to excite, would have been
no less a Crime against the State than
 that

that of High-Treason, without any Palliation whatsoever.

Such then is the Tenderness and Concern of the Defender of the Minority, for the Peace and good Order of Government, and the public Security: Let us now examine, whether he has been more truly zealous in the securing the Liberties of the Individual, and “defending the undoubted and undisputed Birth-Right of the Subject.” The Motion, take it as it was moved by Sir *W. M——b*, and seconded by Sir *G. S——le*, on the 14th, or as it stood amended in the adjourned Debate on the 17th, contains what? it contains a Resolution of one House of Parliament, which therefore is only a Declaration of *their* Sense of the

the Law, not a judicial Determination of Law, which might be pleaded in a Court of Judicature, that a *General* Warrant for seizing Authors, Printers and Publishers of a seditious (and treasonable) Libel, together with their Papers, is not warranted by Law. This Resolution then would have been the only Medium that could be found; the exact and precise Remedy to the Evil complained of; which, “*without stirring captiously so delicate a Question of Government*, as that which they are with so little Candour charged with,” would have been sufficient to have quieted the Fears that had been so industriously infused into the Minds of Men upon this illegal and arbitrary Proceeding. Let us
 see

See then what real Security this Resolution would have given; and whether, with all the Care, Accuracy and Nicety with which it was drawn, the Censure of it might not possibly have been evaded by some future Secretary of State in similar Instances. If he granted the Warrants *general*, and for seizing *the Papers*, he would, I confess, stand condemned under this Resolution; but suppose, as a possible Case, he should have granted a *particular* Warrant, describing the Person, for the seizing *the Papers*, and a *general* Warrant for apprehending the *Authors, Printers* and *Publishers*; I would be glad to know whether either of these Warrants would fall under this Resolution; or whether, if the Words

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treason-

treasonable Practices were inserted (and endeavouring to excite to Treason, I should suspect to be a treasonable Practice) whether, in that Case, a General Warrant might not pass uncensured, including both the Persons and Papers. If these Evasions could indeed frustrate that Resolution, as I conceive they would, I hope I may be pardoned in having asserted, that this Resolution was offering a Security to Liberty, which these very Gentlemen themselves, if ever they should be so happy as to become Ministers, were left at full Liberty to frustrate and evade, as often as they should see Occasion, and would consequently amount, in Effect, to just no Security at all.

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If the Liberty of the Subject be the only Object to be considered, and it is proved to be incompatible with General Warrants in one Instance, it is inconsistent with the same Warrants in any other. A future Minister may change a Word only in the Form, and subject us to the same Evil: Liberty demands that there should not be left a Possibility of Danger: if you grant us no more, you grant us nothing. If, on the other Hand, the Safety of the public Weal, in which is included the Liberty of each Individual, ought to over-balance that Possibility (and Experience has proved it is only a Possibility) of Danger to the Rights and Liberties of the Subject; if that be the Sentiment, and I believe it

was the Sentiment of every reasoning Man upon the Occasion,——let us not amuse Mankind, and make that Exception only to our general Reasoning, which will give them no Benefit, and is, perhaps, of all other, the Instance the most dangerous to the public Quiet. I feel that in the present Temper of the Times, one is almost afraid to call any thing a Libel. Private Characters are at the Mercy of every nameless Scribbler: the most secret Anecdotes of Domestic Life are exposed, mistaken, misrepresented, by Men who are Strangers to your Character, your Person, and almost to your Name. This, however, is a private Evil, and has this Remedy, that by degrees Abuse will lose its Poignan-

Poignancy, and Malice itself will be silent when she finds herself no longer attended to. But the Case of seditious Writings is of more general Mischief. It is the subtle Poison that creeps imperceptibly through every Vein; the Seed of Jealousy, Revolt, and Civil Discord; and is at least the Parent of Treason, if not the Offspring of it.

The next Thing the Defender of the Minority undertakes to lay before the Public, is the Proceeding of the Court of Common Pleas, which he complains has been as grossly misrepresented in the *Gazetteer*, as the Motion had been misstated. He asserts, with a very peremptory Decision, “ that the Question of the Legality of the Warrants
is

is not now *sub judice*, nor has ever been in a Course of legal Determination." To prove this Assertion he has given Extracts in his Notes out of the several Bills of Exceptions, and endeavours to prove from them, "that the only Question *now* in legal Issue, or that can be brought before the Court, is, whether a Secretary of State be a Justice of Peace; I suppose he means within the Sense of the Act of the 7th of *James I.* and the 24th of *George II.* I would be glad to know, whether by the Words *now in legal Issue*, he would imply what he first asserts, that the Question of the Warrants never has been in Issue before the Court; or whether he means within the strict Sense of them, that in those several Bills of

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Exceptions the Parties have thought fit to rest their Appeal upon Lord *Hallifax* not having been made a Party to the Bill, without insisting upon the Legality of the Warrants under which they acted.

In the several Causes brought before the Court of Common Pleas in Consequence of these Warrants, it is necessary to observe there are two different Complaints. The one is for having acted under an illegal Warrant, as in the Action by *Wilkes* against *Wood*, where the Legality of the Warrant *is the sole Thing in Issue*; in barr of which Action, Mr. *Wood* is advised by his Council to plead that Lord *Hallifax* was not made a Party, according to the 7th of *James I.* and 24th of *George II.*
This

This Plea however *is over-ruled*; the Court proceed to determine the Cause, and actually give Damages to the Plaintiff; by which the Warrant stands condemned. The Bill of Exceptions is only in the Nature of an Appeal from this Decision. The other Ground of Complaint, as in the Action brought by *William Huckell* against one of the Messengers, is twofold; for having acted under an illegal Warrant, and for having mistaken the Object of that Warrant, in apprehending one who was neither Author, Printer, or Publisher of the Libel therein specified. In this latter Instance it is evident that the pleading the Legality of the Warrants would be of no Effect; it is particularly expressed in the Bill
of

of Exceptions quoted in the Note,
 “ That such Seizure and Imprison-
 ment were not made or done *in Obe-*
dience to the said Warrant; nor had
 the said Defendants, or any of them
 in that Behalf, *any Authority thereby*.
 It was equally ineffectual to make
 Use of the other Plea in barr of the
 Action, viz. that Lord *Hallifax*
 had not been made a Party, since it
 was evident they had not acted un-
 der any Authority from him, not
 having acted *in Obedience to his*
Warrant. It was therefore deter-
 mined, that *upon the whole Case* the
several Matters so produced and
 proved were not sufficient to barr the
 said *William Huckell* of his Action.
 In this Cause therefore there were
 also Damages given; to which a Bill

of Exceptions was taken. The Difference between these two Cases should be carefully distinguished. In the latter Case, the Legality of the Warrant was not properly perhaps in Issue before the Court: The Defendants stood condemned upon the very Face of the Transaction; it was necessary for them to prove that they had acted under the Warrant, before they could reap any Advantage from the Legality of it. In the other Case, how was it possible, in the Name of Common Sense, to come to any Determination upon the Merits of that Cause, without taking into Consideration the only Object of it! Had the Court indeed admitted the Plea, mentioned in the Bill of Exceptions, in barr of the

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Action,

Action, viz. That Lord *Hallifax*, and those who acted under his Warrant, were entitled to the Benefit of particular Acts of Parliament, by which *alone* they would then have been entitled to a Verdict with Costs, they might indeed have avoided entering into the Merits of the Cause before them; but they rejected the Plea, they tried the Cause, and gave Damages for the Plaintiff. Damages for what? Because Lord *Hallifax* was or was not a Justice of the Peace? Because he ought not to have been made Defendant, where in Fact he was not made Defendant with them in that Action brought against them? What can the Author mean, or what can he conceive was in Issue before the Court when those

Damages were given, if the Legality of the Warrant was not before them * ?

So

* In order to give the Public a more full Idea of the Question, it is necessary to state the Acts of Parliament alluded to, concerning the Privileges of a Justice of Peace, by which they will perceive how little that could be made *the only Question in legal Issue.*

By the 7th *James I.* if any Action be brought against a Justice of Peace for any Thing done in his Office, he may plead the general Issue, and give the special Matter in Evidence ; *i. e.* he may plead Not Guilty to the whole Charge, and justify himself upon the special Matter, or the peculiar Circumstances of the Case.

By the 21st of *James I.* such Action shall not be laid but in the County where the Fact is committed.

By the 24th of *George II.* no Writ shall be sued out against a Justice for any Thing done by him officially, without Notice in Writing given a Month before the suing out the same, containing the Cause of the Action, indorsed with his Name and Place of Abode ; for which he shall be liable to the Fee of One Shilling, and

So much for the Matter of Fact concerning the Proceedings in the Court

and no more: and unless it shall appear that such Notice was given, the Justice shall be entitled to a Verdict and Costs. The Justice may, at any Time within one Month after such Notice, tender Amends to the Party complaining; and if it shall appear that he has offered sufficient Amends, he shall recover a Verdict and Costs. No Evidence shall be admitted for the Plaintiff, on trial of any Cause of Action, except such as is contained in the Notice. No Action shall be brought *against any Constable, or other Officer, acting in Obedience to the Warrant* of a Justice of Peace, until Demand hath been made by the Party, in Form of the Perusal and Copy of such Warrant, and the same has been refused or neglected for the Space of six Days after such Demand: and if, after obtaining such Copy, an Action be brought without making the Justice Defendant, the Jury shall give the Verdict for the Defendant, on the Warrant being produced and proved, notwithstanding any Defect of Jurisdiction in the Justice. If such Action be brought against the Justice and Constable jointly, on proof of such Warrant, the Jury shall find for the Constable:

Court of Common Pleas, which I have been the more tedious in explaining, as the Defender of the Minority seems to lay so great a Stress upon that Part of his Argument. I will now proceed to apply this Reasoning to the Conduct of the Majority, who stand accused of having had Recourse to this *fallacious* Argument, to avoid determining this great and important Question. After what has appeared in the foregoing Pages, I flatter myself the Reader will think there was some reason to enlarge upon "the Improbable: and if Verdict be given against the Justice, the Costs recovered by the Plaintiff shall be taxed by the proper Officer, so as to include such Costs as the Plaintiff is liable to pay to such Defendant, for whom such Verdict is found.

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priety of deciding in Parliament, a Question then depending in a Court of Judicature;" they may be inclined, perhaps, notwithstanding the contrary Assertions, to acknowledge that the Question was then depending; nay, that it has since been actually decided in a Court of Judicature. If it had not been in Issue, it is evident it was in the Power of any one of the Parties acting under that Warrant, to have brought it into Issue at his Option; and that Argument alone would have been sufficient to evince the Impropriety of the Interference of Parliament, unless where the Necessity of some peculiar Circumstances had absolutely required their Interposition. What then, says the Defender, has Parliament

ment never proceeded to examine into Abuses by a Motion in either House, to express the Sense of that House by a general Resolution, and upon that Resolution *to bring in a Bill?* Have they forgot the Case of Lord Chief Justice *Keeling*; of Lord *Danby*; of Lord Chief Justice *Scroggs*; and of Lord *Marlborough?* “which if not thought apposite each separately to every Point, yet in the whole, and taken together, is conclusive to every material Circumstance in the Proceeding of last Year?” No: the Defender may be assured those Cases are not forgot; but though this kind of collective Precedent may be very conclusive to our Author, and to the Gentlemen of the Minority; yet he will pardon
me

me, if I confess I am unable to perceive how these Instances, which taken separately are most certainly nothing to the Purpose, can when bundled together become apposite to the present Question. Two of the Cases regard the Supreme Judges of a Court of Judicature; one wantonly abusing his Authority, and perverting the Law to the Purposes of Vexation and Oppression; the other pleading Usage indeed for a Practice, which was dangerous to the Safety of the Subject, but which was by no means justified by the Necessities of the State: both so far from being in a Course of Trial, that they were amenable to no Court or Tribunal, but to the great Source and Guardians of our Law, the High Court of Parliament

liament assembled. The two other Cases, the one is a Case of High Treason in Lord *Marlborough*, suspected of holding Correspondence with Rebels actually in Arms; a Case which, if I understand any thing of the Author's Reasoning, he does not himself wish to except from the Power of General Warrants: the other is the Case of Lord *Danby*, a Member of the House of Commons, who at the Request of his Father was apprehended By Lord *Nottingham*, without any Colour of a Crime alledged, and merely from private Family Considerations. How any, or all of these Instances, can be applied to the present Case, I am at a Loss to imagine; not one of them in a Course of legal Determination,

mination, two of them exempted from any ordinary Course of Law, and the other two Cases differing essentially in their Nature from the Case in Question.

The Defender of the Minority, upon the Strength of these Precedents however, such as they are, and upon his Representation of the Proceedings in the Court of Common Pleas, triumphs not a little; and imagining this to be the *Port* of his Argument, boldly asserts, "that *the whole Defence* of that Day consisted in arguing upon the Impropriety of deciding in Parliament a Question then depending in a Court of Judicature." I trust I have said enough to induce my Reader to be of Opinion, that had there been no other

Argument made use of against so
hasty a Resolution, it would alone
have been sufficient, unless out-
weighed by some very important
Necessity. But, under Favour of the
Defender, I can by no Means agree
that the whole Defence of that Day
did turn upon that Point alone. I
will take Leave to refresh his Me-
mory with some of the principal
Arguments which I conceive to have
determined the Majority upon that
Question. In the first Place, the
little Necessity there appeared at that
Time of examining into a Power,
which could not be decided but with
the utmost Gravity and Delibera-
tion, which had the Sanction of un-
interrupted Usage, and which did
not appear in the present Instance
to

to have been abused, since it had not been made use of to entrap or entangle Innocence, but manifestly with the Intention of discovering and bringing to Punishment a daring and dangerous Offender. The Insufficiency and Futility of the Proposition, which might serve to alarm the Jealousies, but could not secure the Liberties of the Subject; whilst a Resolution upon the Journals, confined to the Case of seditious Libels only, left the Warrants, in all other Cases, still more confirmed and authorised by that tacit Approbation. That the Case of seditious and treasonable Libels was so far from deserving to be a particular Exception, that there are few Instances that more strongly justify the Necessity of

of the Practice. That if the House of Commons should be prevailed upon to pass their Censure upon such Warrants, by their Resolution, and if afterwards the Lords, when appealed to in their judicial Capacity, from the Decision of the Courts below, should think fit to confirm the Practice, and to declare the Legality of them, one of these two things must happen; either the Courts of Law must be divided and confounded in their Opinions, or the Dignity of the House of Commons must suffer in the Neglect and Contempt of their Resolution. That if the House thought proper to take Cognizance of General Warrants at all, and to discuss the Legality of them, it imported them to go further,

ther, to probe the Evil to the Bottom, to examine it with all the Solemnity so great a Question demanded, to form the whole into a Law, which should henceforward be an effectual Security to our Freedom, and an unerring Guide to all future Ministers, in the Exercise of a very dangerous discretionary Power. That in order to this, it would be necessary that it should be brought before the House, in the Form of a Bill for regulating the Conduct of the Secretaries of State in all Cases; that in this Form it might be duly weighed in the several Stages of the Bill; the Parts of it, and possible Cases, thoroughly considered; and that when it was perfected, it might be determined, not by the hasty,
and

and if I may be permitted to say so, the ineffectual Resolution of one House, but that it might receive the solemn Sanction of the Legislature, and pass into a Law.

These were among the principal Arguments that were urged against the Motion, and which occasioned the Vote by which the Consideration of it was postponed for four Months. Whether they have any Force or not Mankind will judge; and if they are seriously attended to, I need not fear their Decision.

With regard to the Bill brought in by Sir *John Phillips*, in Consequence of his Engagement for that Purpose, it is very well known, and indeed it did occasion some Surprise, that it was received by the
Gentle-

Gentlemen of the Minority with the strongest Degree of Prejudice and Disgust. Their Reasons for it they best know: certain it is they did not then assign the Reason given by the Defender; they did not then seem afraid to bind the Faculties of Government too tight, and to gain more to the Cause of Liberty than they desired. But it seems they could not *regulate* what they did not allow *to exist*. What wretched quibbling upon Words! They could endeavour to regulate the Conduct of Secretaries of State, by an ineffectual Resolution of one House; but when it was *offered them* to regulate the Practice effectually, by a Bill *founded on the Words even of their own Motion*, if they had dis-

liked that of Sir *John Philips*, they could not consent to regulate what they did not allow to exist. They had calculated their Resolution to such a Nicety, that *that* only was Security to Liberty; the Alteration of an Iota in Matter or in Form frustrated their Intentions for the public Welfare.

The Defender of the Minority indeed has had Recourse to one Method of gaining the Public on his Side, which he will permit me to say is neither fair nor judicious, since with whatever Art and Skill it may have been practised, the Fallacy of it appears too openly to have any Effect upon an unprejudiced Reader. He has supposed an Instance, which he had no Cause to suppose, of

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Grievance and Oppression; he has drawn a Character in the most flattering Colours, whether real or fictitious he best knows, to engage the Affection of his Reader: he applies that Character to a Writing which, give me Leave to say, suits as little with it as Falsehood and Misrepresentation do with Candour and Integrity, or Blundering and Ignorance with Knowledge and Ability: And he then supposes that which has never yet been called a seditious or treasonable Libel, to be treated as a seditious or treasonable Libel; he heightens his Picture with every Circumstance of Allusion, of Sacks, and Papers, and Messengers, and then sets himself to argue upon what—upon the Phantom of his own Imagination.

tion. What is this but trying to alarm our Passions, when he fears he has not yet convinced our Reason. A Secretary of State, as any private Subject may do, may violate the Laws of his Country, may be guilty of Oppression and Injustice; but if he does it, he does it *at his Peril*: the Times are not likely to wink at Violence: till a Minister has been proved guilty of Injustice, we have no Right to apprehend it from him; when he stands convicted of it, there are Laws that will know how to reach him. On the other Hand, when the Author of the *Budget*, be he whom he will, chuses to amuse himself with writing treasonable and seditious Libels against the Peace and Quiet of the State,

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the State will take Cognizance of him, I make no doubt, as of any other common Offender. So long as he confines himself to political, but lawful Disquisitions, personal Indecency and contumelious Expressions, will, I trust, be forgiven him, and will be attributed to some Writer whose Acrimony flows from a Heart consumed with Envy, Spleen, Conceitedness and Self-Importance, from one who has been taught to think himself a Statesman, and who would be too happy to be able to think himself a Minister.

The Public have now before them the Arguments on both Sides, and I should not hesitate to make my Appeal to them, if they could receive an Appeal, where Parliament
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has already given its Decision. They have, perhaps, expected to hear from the Defender a regular and alarming System laid open to them, by which an arbitrary Administration had endeavoured to overthrow the Bulwark of their Liberties: that the *Privileges of Parliament* had been daringly violated; that some dangerous *Innovations* had been attempted to annihilate *Magna Charta*, the *Habeas Corpus*, or some other Pillar of the Constitution: in short, that *some innocent Man* had been oppressed by arbitrary Violence, Tyranny, and Persecution. This indeed might justify the Language that has been held, and the Spirit which has been endeavoured to be infused into the Nation.—

What will they find as the Object of so much Alarm and Jealousy? An Administration vindicating the Dignity of the Crown, the Authority of Parliament, and the public Peace, and good Order of the State. Not innovating, not proceeding with Haste or Violence, but submitting their Judgments to the Practice of their Predecessors in Office; exerting such Powers only as had been established by repeated Usage, which had frequently appeared before Courts of Judicature, had never been questioned in them, but by the Practice of those Courts had been acknowledged and confirmed. Powers which the best Friends to Liberty had never scrupled to exercise, and which the most violent Assertors of
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regal Authority had never dared to abuse: They will find the Object of the Complaint such as even Party is *become ambitious* of disclaiming; and the Offence of so public and so heinous a Nature, that Parliament has passed upon it unanimously the severest Censure. Where then is the Grievance, where then is the Foundation of so much Clamour? Have the Officers in the Execution of these Warrants undesignedly mistaken the Objects of them? Will the Parties aggrieved deny that they have had ample Satisfaction? Have they ignorantly exceeded the Powers of the Warrant in a single Circumstance? If they have, the Law is open; no Minister desires to screen them from the Law; the Law knows how

how to punish and redress. What then does the whole Charge amount to? It amounts at last to this single Proposition; that they did not suffer themselves to be the Dupes of a Party, in acquiescing in a Resolution that they thought neither conducive to private Liberty, or consistent with public Security.

After all that has been said, is it possible for me to dismiss my Readers, without lamenting, most seriously lamenting, the unhappy Temper of the Times? Exhausted by a bloody and expensive War, not to make Use of peevish or harsh Expressions, which may point out, but will not remedy past Evils; burdened with grievous but necessary Taxes at Home; hated and envied

for our Successes abroad ; with an Ambition murmuring that we possess no more, yet perhaps unable to maintain or occupy what we possess ; threatned with Evils, which our united Strength can scarce avert, and which our domestic Discord may too quickly hasten ; in this Situation, is it a Time for private Jealousies, private Discontents, and private Interests to consume the Interval that Peace affords us ! Is this a Time to refuse Assistance to the Public, and to endeavour by every Artifice to frustrate the Assistance which is offered to it by others ? To sow the Seeds of Diffidence and groundless Apprehension ; to encourage Murmurs, and to excite Resistance against Parliamentary Impositions ? To di-

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vide again the united Kingdoms? To revive the Distinctions of Party; wantonly to found the Alarm of Privilege and Prerogative, of Whig and Tory, when the Wisdom and Goodness of the common Father of his People had perfected the happy Union of his Subjects?——If there are any amongst them who are not quite devoted to the cry of Faction; *who are yet sensible to the Feelings, and open to the Call* of their Country; let them in time respect her Distresses; suspend, at least, their Discord and Ambition; disappoint the Malice of our Enemies; confirm the Glories we have acquired; and no longer endeavour, by the Treachery of intestine Divisions, to accomplish what the united Powers of
Europe

Europe by open Force have in vain
 attempted. and For once let a true
 Public Spirit prevail over Interest,
 Prejudice, and Passion, and unite
 for a Time at least, the *inconstant*
Patriots of this *inconstant* Country.
 People had perished the happy
 Union of his Subjects? — If there
 are any amongst them who are not
 quite devoid of **THE END** Faction;
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 the Malice of *enemies*; confirm
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